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LETTER TO LORD BROUGHAM,

IN BEHALF OF THE

CAPTIVE PATRIOTS.

TO WHICH IS ANNEXED

A LIST OF THEIR NAMES.

BY TH: JEFFERSON SUTHERLAND.

NEW-YORK.

1841.

ADVERTISEMENT.

To the Friends of the American Citizens now Prisoners at Van Diemens Land.

I would call your attention to the fact, that there are now more than 100 American Citizens imprisoned by the British Government at Van Diemens Land, on a charge of having been concerned in the late revolutionary movements of the Canadas; and that they are enduring the punishment usually inflicted only upon the worst of common felons. Already a number of those of our unfortunate fellow-citizens have died; and the inhospitable climate to which they have been removed, and the cruel and severe treatment to which they are subjected, weekly reduces their number.

With a view to effect the liberation of those our unhappy countrymen, I have adopted a course of proceedings, founded upon the the experience that I acquired in the transaction of matters which were to me personal. In aid of these proceedings, I desire that the friends of the captives will cause *Certificates of Character* to be drawn up, according to the form which will be found annexed, marked A., and procure the same to be signed by the Judges, Justices of the Peace, Sheriffs, Members of Congress and of the State Legislature, Ministers of religious Societies, Lawyers, Physicians and Merchants, residing in the neighborhoods where any of the captive persons were known, with the addition of their several stations and professions; that they will then procure the signatures to be attested, with a *jurat* according to the form annexed, marked B.; that they will then procure the certificate of the clerk of the county, under his official seal, that the Justice of the Peace before whom the affidavit is taken, is duly in office; and then to cause the whole to be transmitted for me, to "*Albany, N. Y.*" without delay.

TH: J. SUTHERLAND.

New-York, May 6, 1841.

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LETTER TO LORD BROUGHAM.

TO THE RIGHT HONORABLE LORD BROUGHAM, *a Peer of the Realm of Great Britain.*

MY LORD—I am wholly unable to determine what apology I ought to make for the liberty I have taken in addressing your Lordship with this communication. Indeed, I know not that I have any apology to give, save the motive with which the communication is made; and upon this, alone, I have founded the hope that your Lordship may be induced to take into consideration—and to act upon the matters herein presented.

It is due to frankness, my Lord, as I think, that I should state, before proceeding further with this my communication, that I was, myself, among the number of those American citizens, who, in 1837 and 1838, took a part with the inhabitants forming a revolutionary party in the Canadas; and that with the Revolutionists of those Provinces, in the capacity of a military officer, I assisted in the effort which was then made to subvert the authority established therein by Her Majesty's Government. My reasons for having been concerned in those operations will be found in what I am now about to offer in behalf of a number of my fellow-citizens, who, like myself, were concerned in those revolutionary movements of the Canadas; and who, having been taken in arms by Her Majesty's military forces, have been transported to Van Diemens Land, one of the penal Colonies of Great Britain, and there reduced to the condition of common felons; as well as in certain papers and publications which I shall endeavor, herewith, to cause to be put into the hands of your Lordship.

According to the information of which I am possessed, the number of my unfortunate countrymen who were captured during the late civil commotions in the Canadas and who now remain in the hands of Her Majesty's Government, must somewhat exceed one hundred. These men, as it is represented on good authority, have been placed in a convict station, with thieves, robbers, burg-

lars and others of the vilest of the overflowings of the prisons of the British Empire ; and that thus associated, they are made to do penance in the same manner as those who have been convicted of crimes embracing moral turpitude. As they were taken in arms against Her Majesty's Government, the right of that government to detain them as prisoners, so long as Her Majesty shall please, is not to be disputed ; but I contend, my Lord, that persons taken under the circumstances that my countrymen were captured, cannot, in justice, be regarded as felons—and that the reducing of them to the condition of such—and the making them the companions of foot pads and house breakers, is not only a violation of rules adopted and pursued by the people of the most enlightened nations, but that it is an uncalled for severity and a cruelty unnecessary to the case ; and tending to defeat the very object for which punishments are declared by the laws of the British nation. Her Majesty's Government may call them *pirates* and *robbers*, and condemn them to the punishment of felons, but those, my unfortunate fellow citizens can never be made to regard themselves as such. They had acted only from motives of giving a generous assistance to what they believed was a struggle for liberty ; and while they are loaded with chains and incarcerated in dungeons, they will esteem themselves *martyrs to the cause of freedom*. I am, also, my Lord, from information, induced to believe that those men have been condemned upon proceedings which would in no manner bear a legal scrutiny.

We had had it presented to us from the pages of the history of our own country, that when the Canadas were wrested from the French nation, they were rather conquests to the people of the American Colonies, (now the United States,) than to the British Government ; and, therefore, when we had reflected that it was our forefathers who mainly contributed to make the Canadas—what our territories were then—British Colonies, we could not deem it wrong to give the people of those colonies assistance in an attempt to make their country what ours is now—*Free and Independent States !*

We had lately beheld the whole American people vying with each other to do honor to the persons, and to

glorify the names of those illustrious foreigners who came to this country and embarked with our forefathers in their early and hazardous struggle for liberty and independence ; and we had seen monuments to commemorate their services in the cause of our forefathers, put up at the expense of our government ; which was to us a prompting of a desire to earn the same honors for ourselves.

However, my Lord, this was not enough to induce the action of myself, or of any of my unfortunate fellow-citizens. Nor were we moved to interfere with the political affairs of the Canadas, until we had beheld a civil commotion begun and in full operation in those Provinces ; and our services had been solicited by men on whom the people of the Canadas had conferred the highest honors within their gift.

Nor until we had beheld that the Government established therein by Her Majesty, had failed to give security to life and property, (the only legitimate purpose of Government,) and that robbery, arson and murder was being perpetrated in every section of the Provinces, with boldness and impunity.

Nor until we had beheld large numbers of women and children, who had been driven from their homes in the Canadas, by the violence of the soldiery employed therein by Her Majesty's Government, thrown destitute upon our borders, appealing to our sympathies for the bread of existence.

Nor until we had beheld a large foreign army landed in the Canadas, and marched through their territories, not to defend the people from the aggressions of foreign enemies, but to subject them to political slavery.

Yet, when all these matters had passed before our eyes ; and when we had listened to the tales of wrongs and grievances which were related to us by all of the vast number of people who had come among us from the Canadas, and which we believed, because they were similar to those tales we had heard from our forefathers, who had themselves been British Colonists ; and when we had been made to believe that the people of the Canadas were about to make a hearty struggle for liberty, we were

not even then prepared to embark in those movements, so unfortunate to us all, (for I too, my Lord, have been a prisoner in the hands of Her Majesty's Government for many dreary months,) until public meetings of our citizens had been held along the whole borders from Maine to Michigan; at which meetings clergymen, members of congress and of the state legislatures, judges, justices of the peace, lawyers, physicians, and others of the most respectable of our citizens presided as officers; and the most eloquent of our countrymen were speakers—who in their addresses, declared the struggle of the Canadians, "not alone the cause of the people of those Provinces—but ours—of free government—and of all mankind. The cause of true religion and of God!" and they bade us "go to the aid of the Canadians; to go by ones—by twos—and by threes;" and they proclaimed it "*to be a cause glorious, even to fail in*;" while our people put their hands to their pockets to furnish the means; and having given arms to numbers of the young and chivalrous of our country, them they sent off to fight in the cause of political freedom. Therefore, if we were guilty of wrong, it was equally the wrong of those who sent us; and if we have offended, it was no more our offence than that of the whole American people.

But as it must be known to your Lordship, in this the people of the United States did no more than has been done by British subjects in almost every country on the face of the earth, where there has been presented the same state of political affairs which existed in the Canadas in 1837 and 1838.

All that we had proposed in aid of the people of the Canadas we had seen given by British subjects in aid of the people of all of the revolted colonies of Spain in South America: By British subjects in aid of the people of a revolted colony of Portugal, on the same continent.

All that we had offered in support of the revolutionary movements of Canada, we had seen given by the British subjects in aid of a revolution in Spain: By British subjects in aid of a revolution in Portugal; and by British subjects in aid of a revolution in Circassia.

All that we had aimed to effect in the Canadas, we

had seen effected by British subjects in carrying out a revolution in Greece: By British subjects in carrying out a revolution in Portugal.

Then, if we may put confidence in the public accounts of the day, as often as any of the British subjects who have been engaged in revolutionary movements of other countries have been captured by their adversaries, Her Majesty's Government have sent commissioners to intercede for them and to prevent their being subjected to punishment; and in many instances their liberation has been demanded in the name of the power of the British nation.

In view of all these matters, my Lord, it is an opinion adopted by a large majority of the people of the United States, that Her Majesty's Government have no justification for the treatment bestowed upon our fellow citizens now prisoners in their hands. Indeed, my Lord, we must regard the course of the French people adopted on a recent occasion as a rebuke to Her Majesty's government for their conduct in this matter; inasmuch, as that when within a very recent date, an expedition having been fitted out in London and embarked on board a British vessel, sailed direct from thence for the coast of France, where the expedition was landed and an attempt made by it to effect a political revolution in that country; and when the expedition had failed entirely, and every person belonging to it was either killed or taken prisoner; yet not an individual who fell into the hands of the French Government, of that expedition, as prisoners, was condemned as a felon; but each and every one of them taken, has been detained as political prisoners.

It is difficult, my Lord, to suppose a government like that of Her Majesty's, could entertain vindictive feelings towards any individuals whom they have in custody as prisoners; and the more especially towards those who are known to possess no political influence whatever; and who in the matters in which they have been implicated, were but subordinates and of the rank and file. Then, can it be for the honor, or in any manner accrue to the benefit of the British nation longer to detain in the condition of common felons the American citizens whom Her

Majesty's Government have sent to Van Diemens Land? If it can, I believe the world will be unable to discover wherein.

All civil commotion in the Canadas is declared to be at an end; and it has been proclaimed by the Governor General of those Provinces, that he no longer fears a renewal of the frontier disturbances; and the military power of Her Majesty's Government is now so well established in the Canadas, that it is not remaining with the things possible that the people of those Provinces should be found able, however much inclined, to make the first step towards a change of their political institutions by an appeal to arms, unless assisted by the Government of some powerful nation, having the resources necessary to organize and sustain large naval and military forces.

For a long series of years previous to the breaking out of the civil commotions in the Canadas in 1837, there had subsisted the most amicable relations between the citizens of the United States and the people of those Provinces; and it is now not less for the interest of the people of those Provinces, than that of the citizens of the United States, that all causes for recollecting the part each may have taken in those civil commotions, should be effaced.

It might be asked, my Lord, why it is left for private citizens to interfere for the release of our countrymen, now prisoners in the hands of the British Government; and why their liberation has not been asked for by the Government of the United States? But, to this supposed inquiry, I answer, that while our institutions and laws leave the individual citizen free to go from the country and unite himself in arms with any people to whom his likes or interests may direct him; and with them carry on war against any other nation or people, they peremptorily prohibit those administering our Government from recognizing such person as a citizen of the Republic, or of interfering in their behalf, whenever they may become prisoners in the hands of their adversaries. Consequently, no application for the liberation of my unfortunate countrymen can be expected to come from the Government of the United States. It is only by private citizens of this country, united with the benevolent of

Great Britain, that any application may be made in their behalf.

I would also suggest to your Lordship, that the further detention of my unfortunate countrymen not only seems to work a hardship and a wrong to the individuals, but from the existence of their extensive family connexions, which are scattered along our whole frontier; and the deep sympathy which is felt for them by a great majority of the American people, I believe I am correct when I advise your Lordship that it is likely to engender a lasting and uncompromising hatred between the people on the different sides of the frontier lines; and to create with the people within our borders, a spirit of retaliation, which in case of a war between the United States and Great Britain, would be the foundation for unnecessary bloodshed and the exercise of the severest cruelties; and for a return to the usages of the savage people of a darker age, under which *but few prisoners are taken*—and no courtesy or kindness afforded to any. Their sufferings may, likewise, be made the capital, to be used by some reckless aspirant for fame, for another volunteer military movement in behalf of the liberties of the Canadas, though such could only bring injury to the Government of both countries, and misery and distress upon the people. Therefore, for the avoiding of these matters, which all must desire—and in behalf of the American citizens now prisoners in the hands of Her Majesty's Government, I request that your Lordship will be pleased to take an early occasion to bring their case again to the consideration of Her Majesty's Ministry, so that they may be liberated and permitted to return to their country and friends: or that they may be, at least, relieved from their present intolerable condition.

With the highest consideration for your Lordship,

I am, my Lord,

Your Lordship's obedient and humble servant.

TH: J. SUTHERLAND.

NEW-YORK, January 1, 1841.

**CAPTIVE PATRIOTS,
NOW IMPRISONED AT VAN DIEMANS LAND.
A LIST OF THE NAMES OF THE AMERICAN CITIZENS TAKEN AT
WINDNILL POINT, NEAR PRESCOT, IN UPPER CANADA.**

From Jefferson County, N. Y.

NAMES.	RESIDENCE.	NAMES.	RESIDENCE.
John Bradley,	Watertown,	Daniel D. Hustis,	Watertown,
Orlin Blodget,	Philadelphia,	Garret Hicks,	Alexandria,
Chauncey Bugby,	Lyme,	David House,	"
Geo. T. Brown,	Le Ray,	James English,	Adams,
Richard Bell,	Antwerp,	Andrew Leeper,	Antwerp,
Nelson Colton,	Orleans,	Joseph Lafort,	Lyme,
Lysander Curtis,	Lyme,	Daniel Liscome,	Charmont,
Robert G. Collins,	"	Andrew Moore,	Adams,
John Cronkhite,	Le Ray,	Foster Martin,	Antwerp,
Moses A. Dutcher,	Brownville,	Ira Polly,	Lyme,
Luther Darby,	Watertown,	William Reynolds,	Orleans,
Aaron Dresser,	Alexandria,	Orin W. Smith,	"
Leonard Delano,	Watertown,	John G. Swanburgh,	Alexandria,
Elon Fellows,	Dexter,	Henry Shew,	Philadelphia,
Emanuel Garrison,	Brownville,	Thomas Stockton,	Rutland,
John Gilman,	"	Riley Whitney,	Lyme.
William Gates,	Lyme,		

From Oswego County, N. Y.

David Allen,	Volney,	Jehiel H. Martin,	Oswego,
John Berry,	Oswego,	Alanson Owens,	Palermo,
Joseph Lee,	Palermo,	Samuel Washburn,	Oswego.

From St. Lawrence Co. N. Y.

John Holmes,	Madrid,	Edward A. Wilson,	Ogdensburgh,
John Monisette,	Ogdensburgh,	Jacob Herald,	"
John Thomas,	Madrid,		

From Onondaga County, N. Y.

Philip Algire,	Salina,	Calvin Matthews,	Lysander,
Hugh Calhoun,	"	Chauncey Matthews,	Salina,
Michael Fryer,	Clay,	Jacob Paddock,	"
G. A. Goodrich,	Salina,	Hiram Sharpe,	"
Nelson G. Griggs,	"	Nathan Whiting,	Liverpool,
Hiram Loop,	Liverpool,	Jerry C. Griggs,	Salina.

From Erie Co. N. Y.

Asa M. Richardson, Buffalo.

From Lewis Co. N. Y.

Stephen S. Wright, Denmark.

From Cayuga Co. N. Y.

Thomas Baker,	Hannibal,	Patrick White,	Auburn.
Benj. Woodbury,	Auburn,		

From Herkimer Co. N. Y.

William Goodrich, Norway.

From Oneida Co. N. Y.

James Pierce, Marshall.

From Warren Co. N. Y. | *Residence not known.*
Solomon Reynolds, Queensbury. | Joseph Stewart.

A LIST OF THE NAMES OF THE AMERICAN CITIZENS TAKEN AT
OR NEAR WINDSOR, IN UPPER CANADA.

From Cuyahoga Co. Ohio.

James P. Williams,	Cleveland,	James Williams,	Cleveland,
Samuel Snow,	Strongville,	Charles Reed,	"
Simeon Goodrich,	Cleveland,	Robert Whitney,	"
Robert Marsh,	"	Oliver Crandall,	"
David Day,	"	John L. Guttridge,	"

From Wood Co. Ohio.

Mitchell Monroe, Toledo.

From Lorain Co. Ohio.

Allen B. Sweet,	John Sprague.
William Nottage,	

From Wayne Co. Michigan.

Daniel Anthony, Detroit.

From Washtenaw Co. Michigan.

Hiram Barnham,	Ypsilanti,	James D. Few,	Ypsilanti.
		<i>From Erie Co. N. Y.</i>	

John Simons,	Buffalo,	Ezra Horton,	Buffalo.
Joseph Horton,	"		

From Madison Co. N. Y.

Eleazur Stevens, Lebanon.

From Niagara Co. N. Y.

John W. Simmons,	Lockport,	Truman Woodbury,	Lockport.
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From Monroe Co. N. Y.

John C. Williams, Rochester.

Residence not known.

John W. Brown,	Elijah Woodbury,
John B. Turrell,	James Achason,
Horace Cooley,	Joseph Stewart,
William Montague,	John S. Maybee,
Samuel Hilkey,	Henry G. Barnum.

A LIST OF THE NAMES OF THE AMERICAN CITIZENS TAKEN AT
SHORT HILLS, IN UPPER CANADA.

From Chautauque Co. N. Y.

Linus Wilson Miller.

Residence not known.

Erastus Warner,	Norman Mallory,
Samuel Chandler,	John Vernon,
Benjamin Waite,	James Van Waggoner.
Geo. B. Cooley,	

Of the American citizens captured in Lower Canada, no list of names has been obtained.

(A.) FORM OF CERTIFICATE.

_____ County, State of New-York, }
May —, 1841. }

This writing is to certify to the Government of Great Britain, and to the Members of the Imperial Parliament, that we the undersigned, citizens and inhabitants of the town of _____ in the county and state above written, have been for many years acquainted with _____, who was lately a resident of this town, but who we now understand to be a prisoner in the hands of the British Government, at Van Diemens Land, charged with having been concerned in the late revolutionary movements of the Canadas; and that he was well known to us at the time he left this place to embark himself in the said revolutionary movements—and that we know him to have been induced to such course by the influence and persuasion of others rather than from the promptings of his own mind.

We, also, do further certify and state, that the said _____, at the time he left this town to embark in said revolutionary movements of the Canadas, (which was in the month of —, 1838,) was regarded and accepted by all to whom he was known, as an honest and industrious mechanic [or whatever occupation of which the captive may have been] and worthy citizen; and that if he should be released and permitted to return to his country and friends, it would be a source of gratification to those who were opposed to the course which has resulted in his imprisonment, as well as to others.

A. B——,

Minister of the Baptist Church at —.

C. D——, Judge of County Courts.

(B.) FORM OF JURAT.

State of New-York, }
_____ County, }

On this —th day of —, 1841, personally came before me the undersigned, one of the Justices of the Peace of the county and state above written, — —, to me well known as a good and respectable citizen of said county, and whose name is to the bottom of the annexed certificate subscribed, and made oath that he saw the persons whose signatures are attached to said certificate, subscribe the same, with a full knowledge of its import according to the letter thereof; and that the persons who have subscribed the said certificate are the individuals whom the several names designate; and that they severally hold the stations and professions to their names added.

E. H——.